

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1531.00
COMPLAINT INVESTIGATOR: Karyn Romer
DATE OF COMPLAINT: February 18, 2000
DATE OF REPORT: March 15, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: April 11, 2000

COMPLAINT ISSUE:

Whether the New Castle Community School Corporation and the New Castle Area Programs for Exceptional Children violated:

- 511 IAC 7-10-3 with regard to the school's alleged failure to convene a case conference committee meeting within forty instructional days of the date the school received written parental consent to evaluate the student.

FINDINGS OF FACT:

1. The student (the "Student") is ten years old and was determined eligible for special education and related services as a student with a communication disorder on March 2, 2000.
2. The complainants (the "Complainants") hand-delivered a letter to the Director requesting an initial educational evaluation on December 7, 1999. Based on the local school corporation calendar for holidays, one snow day and a day the school (the "School") was closed due to a water main break, the educational evaluation had to be conducted and the case conference committee ("CCC") convened by February 22, 2000.
3. According to documentation, the School and the Complainants agreed to convene the CCC on February 9, 2000. A *Case Conference Notification Letter* was sent to the Complainants dated February 3, 2000 verifying the agreed upon date. However, on February 9, 2000, a break in a city water main forced the School to close for the day. The School immediately notified the parent that the CCC would have to be rescheduled. Although the other schools in the corporation remained open, the School did not offer an alternative location to hold the CCC on February 9, 2000 because the building closure released the elementary school teachers from reporting for work that day.
4. On February 9th, the School offered to reschedule the CCC on February 17, 2000; however, the Complainants could not meet on that day. The School subsequently proposed February 14th or 18th in an effort to remain within the forty (40) instructional day timeline. The Complainants advised the School that they could meet on February 14, 15, 16 or 17 after 7:00 pm.
5. On February 10th, the Complainants sent a letter to the School proposing dates to convene the CCC between February 21st and March 1st at 5:30 pm or later or on March 2nd at 1:00 pm. The School and the Complainants agreed to convene the CCC on March 2nd and notification was sent to the Complainants.

CONCLUSION:

1. Finding of Fact #2 indicates that the forty (40) instructional day timeline expired on February 22, 2000. Findings of Fact #3 through #5 indicate that a CCC was scheduled for February 9th, but was canceled due to a water main break. The School's attempts to reschedule the CCC at a mutually agreed upon date and time prior to February 22nd were unsuccessful. The CCC was ultimately scheduled for March 2, 2000. The School exceeded the forty (40) instructional day timeline. Although a violation of 511 IAC 7-10-3 occurred, because the cancellation of the CCC was unforeseeable and because the School made several attempts to reschedule the CCC to comply with the timeline, no corrective action is required.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusion listed above.